

Workplace Traffic Safety

This is Road-Safe Workplace, an electronic newsletter about workplace traffic safety from the Vermont Department of Labor because the number one cause of death and injury in the workplace are traffic crashes. Road-Safe Workplace has been created to distribute statistics, facts, and other materials to help employers create, maintain and improve their workplace traffic safety programs. Please use this information in your company newsletters, bulletin boards, or employee e-mail memos. Your thoughts and comments are always welcome. However, if you do not wish to receive Road-Safe Workplace, please reply with the word "unsubscribe" in the subject line.



What Every Employer Needs To Know About Road-Way Safety

Every Vermont employer has a crucial role to play in increasing the use of seat-belts in motor vehicles. Vermont's residents are on the road every day going to and from work, running errands and delivering products and services.

At the same time, government sources report that traffic crashes are the number one cause of death in the workplace. It is also documented that well more than half (62%) of everyone killed in a motor vehicle crash was not wearing a seatbelt at the time of the crash. In addition to the immense personal tragedy suffered by employees and their families each-on-the-job crash can cost employers thousands of dollars. These costs reflect payments for medical care, workers compensation rates, property damage, lost productivity, substitute labor, replacement transportation, delays in shipment of products, and third party damage and injury.

The fact is, however, that driving a motor vehicle is not an instinctive behavior. People have to make conscious adjustments in their behavior to make driving safe. Plus, the definition of "workplace" now extends way beyond the traditional assembly line in the manufacturing plant. The "workplace" now includes our highways, from the speedy Interstate system to our primary and secondary state system.

Employers need to know there is a direct connection between workers compensation and road-way safety and that privately-owned vehicles have joined company-owned fleets as mobile workplaces. Employers also need to know that motor vehicle crashes are among the largest contributors to workers compensation losses. Here in Vermont, according to statistics from 2002, 330 injuries from motor vehicle crashes were reported of which 117 (35%) involved lost time from the job.

Since our highways are considered, in some circles, as a "workplace," businesses may have to become more influential in the decision-making process to make road-ways and motor vehicles safer. This could involve creating a liaison between business groups and government agencies, to the development of company policies concerning the use of seat belts, substance abuse and other issues involving safety on the highway.

Businesses are required by law to provide a safe workplace for their employees. Enforced company policies concerning the use of safety devices in the workplace are essential to a company's stance in a workers compensation case.

For instance, if a worker is using a company-owned vehicle and the company has an enforced seatbelt policy, the worker may be denied workers compensation benefits if s/he is in a crash and is not wearing a seatbelt.

If a worker is using a personal vehicle for company business, since the employer did not provide the safety appliance (the seatbelt, because it came with the vehicle), the employer cannot claim a defense against a workers' compensation claim even if the worker was not wearing a seat belt. However, since the company has an enforced seatbelt policy, the worker may, and should be disciplined for not wearing the seatbelt.

An employer who wishes to deny a workers' compensation claim because the employee failed to use a "safety appliance" must meet a three-part test:

- 1) Notice of the safety rule and explanation of danger of violation must be provided.

This includes:

- a. "Safety Appliance" or equipment must be provided; and
 - b. Training in the proper use of the "safety appliance" or equipment.
- 2) Enforcement of the safety rule, appliance or protocol must be diligent.
 - 3) The Employee must have no valid excuse for violating the safety rule.

Time and attention spent on creating and enforcing a company safety program can not only limit injuries and liability, but be economically beneficial to the bottom line.

It really is true that "safety is profitable."

Polk Study Finds Consumers Admit Cell Phones Cause Careless Driving

According to a public opinion poll by the Polk Center for Automotive Studies, despite being aware of the dangers of holding a cell phone while driving, consumers continue to put themselves and other drivers at risk. More than half (51 percent) of drivers surveyed said they observe careless driving due to mobile phone use on a daily basis, and 52 percent agree that their own driving suffers while on the phone. The vast majority of respondents (92 percent) agree that talking on the phone while driving increases the risk of accidents. For further information, http://usa.polk.com/News/LatestNews/2006_0517_phones.htm

More Organizations Tell Employees To Silence Their Cell Phones

According to a USA TODAY article on June 19, more companies are limiting the use of cell phones on the job as employees react to the irritation caused by the "noisy beeps and tunes emanating from incoming personal calls at work." Thirty percent of employees said cell phones ringing at work was their No. 1 pet peeve, according to a March study of more than 2,000 employed adults by Randstad USA, a staffing company. More than a third of organizations have policies to address the use of personal cell phones, according to the Society for Human Resource Management. But cell phone use is not just an etiquette issue: A growing number of lawsuits involve employer liability for traffic accidents caused by employees talking on cell phones. "The safety issue is huge," Audrey Mross, an employment lawyer says, adding that employers may be liable in an accident even if an employee is using his or her own phone and conducting business outside of normal working hours."

Lawrence KS Cell Phone Ban Would Be Nation's Strictest

A proposed Lawrence, KS cell phone ordinance would ban the use of both hand-held cell phones and hands-free cell phone devices by motorists, according to the Lawrence Journal-World, which would be a first in the United States. Other bans generally prohibit only hand-held devices, with some banning hands-free devices for certain types of motorists, such as teenagers or school bus drivers.

The one exception to the ban would allow motorists to use a cell phone to make an emergency call to police, fire, or other agencies. The proposed ordinance lists a maximum fine of \$100 for violating the ban, but lists no minimum fine. In addition to the cell phone ban, traffic safety commissioners also will consider an ordinance that would double the fine for inattentive driving (from \$60 to \$120) for any motorist involved in a crash while using a cell phone.

In Vermont, three House bills, designed to restrict the use of cell phones while operating a motor vehicle were introduced in the past legislative session. However, those pieces of legislation died in committee.

Employer Guidebook to Reduce Traffic Crashes

The Occupational Safety and Health Administration (OSHA), National Highway Traffic Safety Administration (NHTSA), and Network of Employers for Traffic Safety (NETS) have joined forces to create ***Guidelines for Employers to Reduce Motor Vehicle Crashes***. This publication features a 10-step program to help employers improve traffic safety performance and minimize the risk of motor vehicle crashes. The document includes success stories from employers who have benefited from effective driver safety programs, including Pike Industries with operations in Vermont.

The booklet is available to employers from: njames@labor.state.vt.us. Ask for the ***Guidelines for Employers to Reduce Motor Vehicle Crashes***. The booklet will be sent in the mail, so be sure to include your mailing address. Or, employers may download the guide from http://www.osha.gov/publications/motor_vehicle_guide.pdf.

Inattention, speed, driving while impaired, disregard for stop signs and traffic lights, and failure to yield the right of way are the major causes of crashes on our highways.



**REMEMBER -- BUCKLE YOUR SEATBELT
EVERY TIME!**